



MEMO ENDORSED

**STILLMAN LEGAL, P.C.**

www.FightForUrRights.com  
42 BROADWAY, 12TH FLOOR, NEW YORK NY 10004

October 14<sup>th</sup>, 2022

**VIA ECF**

Hon Kenneth M. Karas  
United States District Judge  
Eastern District of New York

Re: Penafiel v. Baktetivity  
Civil Case No.: 7:21 CV 11086-KMK

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Honorable Judge Karas

Our office represents Plaintiff in the above-referenced matter. We write this letter to correct an error in the excel calculations submitted with our Cheeks motion.

Plaintiff worked part time from January 1, 2020, until July 25, 2020, therefore defendants do not owe Plaintiff any wages for this period. From August 1, 2020, until December 27, 2020, Plaintiff worked 60 (sixty) hours per week and the underpayment for this period is \$2,730.00. Plaintiff was on vacation from January 23, 2021, until January 31, 2021. From February 1, 2021, until her termination on December 15, 2021, Plaintiff worked 55 hours per week with an alleged weekly underpayment of wages of \$97.50 or \$4,387.50 for this period. In total, her alleged underpayment equals \$7,767.50. In addition, Plaintiff alleges recordkeeping and notice violations pursuant to NYLL § 195(1) and NYLL § 195(3) for a total of \$10,000. The maximum recovery then for Plaintiff, were she to prevail at trial, would be \$33,302.50.

Plaintiff also respectfully requests, with defendants' consent, that the conference currently scheduled for Monday, October 17<sup>th</sup> at 10:30 am be adjourned as lead counsel is unable to attend either in person or by telephone due to unexpected international travel. Plaintiff's counsel is available from October 18<sup>th</sup> onwards.

We thank the Court for its time and consideration in this matter.

Respectfully submitted,



**STILLMAN LEGAL, P.C.**

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**STILLMAN LEGAL, P.C.**

/s/Lina Stillman  
*Counsel for Plaintiff*

Granted. The conference is adjourned to 10/ 27 /22, at 11:30

So Ordered.

A handwritten signature in black ink, appearing to be 'Lina Stillman'.

10/14/22